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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/990,500

Filing Date: 11/21/2001

Appellant(s): John Wasula et al.

For Appellant

EXAMINERS ANSWER

This is in response to appeal brief filed June 2, 2006 responding to the Office Action (Final Rejection) mailed December 28, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeal and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement in the brief regarding the status of the claims was correct. However, after considering the remarks regarding claims 6,7,10 and 26, these claims have been objected to as being dependent upon a rejected base claim; thus, changing the grounds of rejection. See Grounds of Rejection below.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The statement on the grounds of rejections contained in the brief was correct. However, after considering the remarks regarding claims 6,7,10 and 26, these claims have been objected to as being dependent upon a rejected base claim; thus, changing the grounds of rejection. See Grounds of Rejection below.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix of the brief is correct.

(8) Evidence Relied Upon

The following is a list of evidence (e.g. patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

Safai -- US Patent # 6,167,469

Anderson et al. -- US Patent # 6,177,956

Safai Publication -- US Publication # 2003/0048361

Kuba et al. -- US Patent # 5,806,072

Roberts et al. -- US Patent # 6,496,222

Steinberg et al. -- US Patent # 6,433,818

- Regarding the Steinberg et al. reference, the examiner submitted evidence from US Application Number 09/313,131, an application from which Steinberg et al. claims priority. This evidence can be found in the Image File Wrapper (SPEC 12/28/2005).

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claims 1-5,8,11,16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Safai (US # 6,167,469).

As to claim **1**, Safai teaches a digital camera (Figure 1) for capturing digital images (Figure 2, image detector "202"; Col. 5, Lines 37-39) and organizing the captured images for subsequent transfer (Figure 4F, photos: 1,4) from the digital camera (Col. 12, Lines 36-49) to an external device (Col. 8, Lines 61-67) that utilizes the digital images (*A personal computer, that is used to check the email to which the images have been sent, can inherently utilize images for display or a software image editing program such as Adobe Photoshop.*), comprising:

(a) means for providing a database (Figure 4F, Col. 12, Lines 63-67; Col. 13, Lines 1,2, "…Out Box is a data structure…") having a plurality of customized profiles (Figure 4F, Col. 12, Lines 66,67; Col. 13, Lines 1,2), wherein each customized profile contains a plurality of image utilization fields (Figure 4F, To: "466", Photos: "468", Voice Message: "470", Delete Pictures after Sending "472"), the image utilization fields identifying respective instructions for utilization of one or more digital images by the external device (*To: "466" and Photos: "468" represent instructions on which photos the computer is to display and Voice Message "470" represent an instruction for the computer to let the receiver of the images know there is a voice message to be heard.*);

(b) means for selecting one of the plurality of customized profiles from the database (Col. 13, Lines 3-6);

(c) means for defining a plurality of profile indices respectively corresponding to ones of the plurality of customized profiles (Figure 4F; *{The To: field is indicative of the name f the message ready to be transmitted.}*);

(d) an image sensor for capturing images (Figure 1, image detector "202"; Col. 5, Lines 37-39);

(e) means for associating a profile index with at least one captured image to identify the corresponding selected customized profile (Figure 4F; *{The To: and Photos: fields are together in the same message.}*).

(f) storage means for receiving and storing the at least one captured image and the corresponding profile index (Col. 6, Lines 2-4; Col. 12, Lines 63-67; Col. 12, Lines 1,2; *{Examiner interprets storage means as any means for storage in the digital camera.}*).

As to claim **2**, Safai teaches the digital camera according to claim 1 wherein the database is a profile table (Col. 13, Lines 1-6, "…list of messages…").

As to claim **3**, Safai teaches the digital camera according to claim 1 wherein the storage means is a removable memory card (Col. 6, Lines 2-4).

As to claim **4**, Safai teaches the digital camera according to claim 1 wherein a plurality of captured images are associated with the same customized profile (Figure 1, Photos: 1,4 associated with the message of Figure 4F) and stored in the storage means (Col. 12, Lines 66,67; Col. 13, Lines 1,2; Outbox).

As to claim **5**, Safai teaches the digital camera according to claim 1 wherein the database is stored in the digital camera (Col. 12, Lines 66,67).

As to claim **8**, Safai teaches the invention according to claim 1 wherein the external device receives the captured image from the digital camera (Col. 8, Lines 15-27) and wherein the image utilization fields include a deletion field indicating whether the digital camera should delete the captured image from the storage means after storage of the captured image in the external device (Figure 4F, Delete Pictures after Sending "474").

As to claim **11**, Safai teaches the digital camera according to claim 1 wherein the image utilization fields include a destination directory indicating a storage location in the external device for storing the corresponding captured image (Figure 4F, gwang@photoaccess.com).

As to claim **16**, Safai teaches a digital camera (Figure 1) for capturing digital images (Figure 2, image detector "202"; Col. 5, Lines 37-39) and organizing the captured images for subsequent transfer (Figure 4F, photos: 1,4) from the digital camera (Col. 12, Lines 36-49) to an external device (Col. 8, Lines 61-67) that utilizes the digital images (*A personal computer, that is used to check the email to which the images have been sent, can inherently utilize images for display or a software image editing program such as Adobe Photoshop.*), comprising:

(a) an image sensor for capturing a plurality of images (Figure 1, image detector "202"; Col. 5, Lines 37-39);

(b) storage means for storing the plurality of captured images (Col. 6, Lines 2-4);

(c) means for storing an image deletion mode for each stored image which indicates that such stored image is to be deleted from the storage means after such stored image is transferred to the external device (Figure 4F, Delete Pictures after Sending "472"; Col. 12, Lines 63-66), wherein the image deletion mode is stored as one of the plurality of image utilization fields in a given one of a plurality of customized profiles (Col. 12, Lines

63-67; Col. 13, Lines 1,2), particular ones of the customized profiles being selectable for use with one or more of the stored images (Figure 4F; *{Photos 1,4 are selected for deletion after sending.}*); and

(d) a user interface (Figure 4A, top-level menu) for selecting a particular one of the customized profiles (Col. 13, Lines 3-6), having the image deletion mode as one of the image utilizations fields thereof, for at least one stored image (Col. 12, Lines 63-66), wherein the particular one of the customized profiles is selected for the at least one image by storing in association with the at least one image a corresponding profile index that identifies said profile from among the plurality of customized profiles (Figure 4F, "Photos: 1,4"; Col. 12, Lines 63-67; Col. 13, Lines 1,2; *{The To: field "466" can be thought of as a profile index, because the user can recognize that he/she intended to send to that address and pick that one out of the list.}*).

As to claim **17**, Safai teaches a digital camera (Figure 1) for capturing digital images (Figure 2, image detector "202"; Col. 5, Lines 37-39) and organizing the captured images for subsequent transfer (Figure 4F, photos: 1,4) from the digital camera (Col. 12, Lines 36-49) to an external device (Col. 8, Lines 61-67) that utilizes the digital images (*A personal computer, that is used to check the email to which the images have been sent, can inherently utilize images for display or a software image editing program such as Adobe Photoshop.*); comprising:

(a) means for providing a profile table (Col. 12, Lines 63-67; Col. 13, Lines 1,2);

(b) means for customizing the profile table to provide a plurality of customized profiles (Col. 12, Lines 63-67; Col. 13, Lines 1,2; *{Each time a message is stored, another customized profile is created.}*), wherein each customized profile contains a plurality of

image utilization fields (Figure 4F, To: "466", Photos: "468", Voice Message: "470", Delete Pictures after Sending "472"), the image utilization fields identifying respective instructions for utilization of one or more digital images by the external device (*To: "466" and Photos: "468" represent instructions on which photos the computer is to display and Voice Message "470" represent an instruction for the computer to let the receiver of the images know there is a voice message to be heard.*);

(c) means for selecting a customized profile from the customized profile table which corresponds to desired image utilization fields (Col. 13, Lines 3-6);

(d) means for defining a plurality of profile indices respectively corresponding to ones of the plurality of customized profiles (Figure 4F; *{Entering text in the To: field is indicative of the name of the message.}*);

(e) an image sensor for capturing images (Figure 1, image detector "202"; Col. 5, Lines 37-39);

(f) means for associating a profile index to at least one captured image to identify the corresponding selected profile (Figure 4F; *{The To: and Photos: fields are together in the same message.}*); and

(g) storage means for receiving and storing the at least one captured image and the corresponding profile index (Col. 6, Lines 2-4; Col. 12, Lines 63-67; Col. 12, Lines 1,2).

As to claim **18**, Safai teaches the digital camera according to claim 17 wherein the means for customizing the profile table includes producing a new profile (Col. 12, Lines 63-67; Col. 13, Lines 1,2) having a different plurality of image utilization fields with at least one of the image

utilization fields being different (*It is inherent that the deletion field could be checked or unchecked between messages.*).

As to claim **19**, Safai teaches the digital camera according to claim 17 wherein the means for customizing the profile table includes means for editing an existing profile to have a different plurality of image utilization fields (*It is inherent that the deletion field could be checked or unchecked between messages.*) with at least one of the image utilization fields being edited (*Voice messaged could be checked or unchecked between messages.*).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (see Patent Number above) in view of Safai (US 20030048361).

As to claim **12**, Safai ('469) teaches the digital camera of claim 1. The claim differs from Safai in that it requires flash EPROM in which the database is stored in the flash EPROM.

In the same field of endeavor, Safai ('361) teaches a memory card that is flash EPROM ([0065]). In light of the teaching of Safai ('361), it would have been obvious to one of ordinary skill in the art to include flash EPROM as the data structure "OUTBOX", because an artisan of ordinary skill in the art would recognize that this would allow the memory medium to retain the data stored a power outage or battery failure were to occur.

Claims 13-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba (US # 5,806,072) in view of Roberts (US # 6,496,222).

As to claim **13**, Kuba et al. teaches a digital camera (see Figure 1) for capturing digital images and organizing the captured images for subsequent transfer from the digital camera to an

external device (see Abstract, computer in Line 6) that utilizes digital images (see Abstract), comprising:

a) an image sensor for capturing images (see Figure 2, image pick-up unit "2")

b) a storage means (see Figure 2, memory card "14")

c) a user interface (Figure 3) for selecting customized profiles (Figure 7, customized profile; Col. 15, Lines 51-55)

d) a storage means for storing the at least one captured image (see Figure 2, memory card "14"; Col. 14, Lines 57-61).

The claim differs from Kuba et al. in that it requires that the storage means contain a plurality of software application identifiers which identify corresponding software application programs which are resident on the external device, and are stored within customizable profiles, the user interface selects one of the plurality of software application identifiers which identify corresponding software application programs which are resident on the external device wherein the selected one of the plurality of software application program identifiers being associated with the at least one captured image by storing an identifier of the corresponding customized profile with the at least one captured image, and a storage means for receiving the at least one captured image and software application identifier, and for storing the software application identifier.

In the same field of endeavor, Roberts et al. teaches a storage means which contains a plurality of software application program identifiers (see Figure 2A, data diskette "50", Format Apple = 00, IBM = 01 "57") which correspond to software application programs resident on the external device (*IBM (PC) and Apple (MAC) computers contain different software, which is what makes them fundamentally different. The program identifiers are stored with the image data (see*

FORMAT "57" with IMAGE DATA "53".), a user interface for selecting the software application program identifiers (see Figure 6, switch "17"; Col. 4, Lines 61-64), and a storage means (see Figure 10, "PC") for receiving the at least one captured image and software application identifier (see Figure 14A, CPU "20"), and for storing the software application identifier (see Figure 10, "PC"; {*The digital image information, which includes the software application program identifiers as the format bits (see Figure 2A), is sent to the computer as can be seen from the flow diagram in Figure 10; whereupon, inherently that the information will be stored in the computer.*}). In light of the teaching of Roberts et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to include software application program identifiers in the storage means, modify the user interface of Kuba et al. to be able to select one of the plurality of software application programs, and include a storage means for receiving the at least one captured image and software application identifier, and for storing the software application identifier. The modification of including software application program identifiers would allow the user to avoid erroneous image transfer due to incompatibility with the right software application program (see Roberts et al., Col. 12, Lines 37-42). The user interface modification would allow for user friendliness and an assured quality transfer of images. The storage means modification allows the user to view images on a computer, which can perform more sophisticated image processing algorithms.

As to claim **14**, Kuba et al., as modified by Roberts et al., teaches the invention according to claim 13 wherein the external device (see Roberts et al., Figure 10, "PC") receives the at least one captured image and the associated software application program identifier and invokes the corresponding program identified by the software application program identifier to process the at

least one captured image in accordance with the corresponding software application program (see Roberts et al., Col. 12, Lines 16-37; see Applicant's arguments above).

As to claim **15**, Kuba et al., as modified by Roberts et al., teaches the digital camera according to claim 14 wherein the external device is a programmable computer (see Roberts, Figure 10, "PC"; Col. 2, Lines 16-20).

Claims 9,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (see patent Number above) in view of Steinberg et al. (US # 6,433,818).

As to claim **9**, Safai teaches the digital camera according to claim 1. The claim differs from Safai in that it requires a user designated code for permitting only authorized access to the selected customized profile.

In the same field of endeavor, Steinberg et al. teaches a digital camera requiring a password to access a set number of images (Col. 9, Lines 14-24). In light of the teaching of Steinberg et al., it would have been obvious to one of ordinary skill in the art to make the user enter a password to access the customized profile of Safai, because an artisan of ordinary skill in the art would recognize that this would prevent unauthorized user from tampering with private images and to whom they are sent.

As to claim **20**, Safai teaches a digital camera (Figure 1) for capturing digital images (Figure 2, image detector "202"; Col. 5, Lines 37-39) and organizing the captured images for subsequent transfer (Figure 4F, photos: 1,4) from the digital camera (Col. 12, Lines 36-49) to an external device (Col. 8, Lines 61-67) that utilizes the digital images (*A personal computer, that is*

used to check the email to which the images have been sent, can inherently utilize images for display or a software image editing program such as Adobe Photoshop.), comprising:

(a) means for providing a database having a plurality of customized profiles means for providing a database (Figure 4F, Col. 12, Lines 63-67; Col. 13, Lines 1,2, "…Out Box is a data structure…") having a plurality of customized profiles (Figure 4F, Col. 12, Lines 66,67; Col. 13, Lines 1,2), wherein each customized profile contains a plurality of image utilization fields (Figure 4F, To: "468", Photos "470", Voice Message "472", Delete Pictures after Sending "474");

(b) means for selecting one of the plurality of customized profiles from the database (Col. 13, Lines 3-6);

(c) an image sensor for capturing a plurality of images (Figure 1, image detector "202"; Col. 5, Lines 37-39);

(d) storage means for storing the plurality of captured images (Col. 6, Lines 2-4); and

(e) a user interface (Figure 4A, top-level menu) for selecting a selected customized profile (Col. 13, Lines 3-6).

The claim differs from Safai in that it requires a user designated code corresponding to the selected customized profile for permitting only authorized access to the selected customized profile.

In the same field of endeavor, Steinberg et al. teaches a digital camera requiring a password to access a set number of images (Col. 9, Lines 14-24). In light of the teaching of Steinberg et al., it would have been obvious to one of ordinary skill in the art to make the user enter a password to access the customized profile of Safai, because an artisan of ordinary skill in

the art would recognize that this would prevent unauthorized user from tampering with private images and to whom they are sent.

Claims 21-24,27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (see Patent Number above) in view of Kuba (5,806,572).

As to claim **21**, Safai teaches a method for transferring images stored in a digital camera to an external device (Col. 8, Lines 61-67; *{External device is the computer that the email which contains the images is checked.}*) having image transfer application software (Col. 8, Lines 15-27), using a database having at least one customizable profile containing a set of image utilization fields (Col. 12, 63-67; Col. 13, Lines 1-6), comprising the steps of:

(a) using the image transfer application software to serially transfer a plurality of images to the external device (Col. 6, Lines 5-12; *{The data is inherently transferred digitally if it is transferred via telephone line.}*);

(b) accessing the set of image utilization fields (*The computer must access the email address to send the images to the correct email address.}*);

(c) modifying each transferred image file in the external device in accordance with the set of image utilization fields (Figure 5, *{If a voice message is checked, the images are modified in that a voice message will be attached with them.}*); and

(d) storing the modified transferred image file in a destination directory in the external device defined by one of the image utilization fields (Figure 4F, To: "468").

The claim differs from Safai in that it further requires that the plurality of customized image profiles be stored in a removable memory card.

In the same field of endeavor, Kuba teaches a plurality of customized image files stored in a removable memory card (Figure 2, memory card "14"; Figure 7Col. 16, Lines 36-50). In light of the teaching of Kuba, it would have been obvious to one of ordinary skill in the art to include the ability of the camera of Safai to store the messages (see Safai, Figure 4F) in the memory card of Safai (Col. 6, Lines 2-4), because an artisan of ordinary skill in the art would recognize that the user would be able to still send the messages in another digital camera if the user's camera wasn't working properly.

As to claim **22**, Safai, as modified by Kuba, teaches the method according to claim 21 wherein the set of image utilization fields is stored on the external device (*It is inherent that the words gwang@photoaccess.com are stored in the external device.*).

As to claim **23**, Safai, as modified by Kuba, teaches the method according to claim 21 further including the step of editing the customizable profile in the external device (*After sending, it is inherent that the message is no longer available.*).

As to claim **24**, Safai, as modified by Kuba, teaches the method according to claim 21 wherein the image utilization fields include a deletion field and further including the step of deleting the modified transferred captured image in accordance with the deletion field from the removable memory card in the digital camera after storage of such image in the external device (see Safai, Figure 4F, Delete Pictures after Sending "474").

As to claim **27**, Safai, as modified by Kuba, teaches a computer program product having instructions therein for causing the external device to perform the method of claim 21 (see Safai, Col. 8, Lines 15-27).

As to claim **28**, the limitations of claim 27 can be found in claim 21 (a). Therefore, claim 27 is analyzed and rejected as previously discussed with respect to claim 21.

As to claim **29**, Safai, as modified by Kuba, teaches the method of claim 27 wherein the database is stored in the digital camera (see Safai, Col. 12, Lines 66,67; Col. 13, Lines 1-6).

As to claim **30**, Safai, as modified by Kuba, teaches the method of claim 27 wherein the database is stored in the external device (*The fields are inherently stored in the computer that checks the email.*).

As to claim **31**, Safai, as modified by Kuba, teaches the method of claim 21. The claim differs from Safai in that it requires the set of utilization fields include a filename suffix or filename prefix appended to the camera filenames.

In the same field of endeavor, Kuba et al. teaches a filename suffix appended to the camera filename (see Figure 60, suffix "J6C"). In light of the teaching of Kuba et al., it would have been obvious to one of ordinary skill in the art to include a filename suffix appended to the names of the camera filenames of the image files of Safai. Such modifications would allow for the user to easily specify compression type; consequently, giving faster transmission of images.

As to claim **32**, Safai, as modified by Kuba, teaches the method of claim 21 wherein the external device is a network service provider (see Safai, Col. 6, Lines 5-19).

Claim 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US # 6,175,003) in view of Kuba et al. (see Patent Number above) in further view of Roberts et al. (see Patent Number above).

As to claim **25**, Safai, as modified by Kuba et al., teaches a method according to claim 21. The claim differs from Safai, as modified by Kuba et al., in that it requires the image utilization files include an image editing preference application software field designating a software application stored in the external device and further including the step of applying the designated user preferred application software to the modified transferred captured image.

In the same field of endeavor, Roberts et al. teaches an image utilization field which includes an image editing preference application software field designating a software application stored in the external device and further including the step of applying the designated user preferred application software to the modified transferred captured image (see Figure 14A, "APPLE V1", "IBM V2"; Col. 12, Lines 16-35). In light of the teaching of Roberts et al., it would have been obvious to one of ordinary skill in the art to modify include in the image utilization fields of Safai, as modified by Kuba et al., an image preference application software field. The modification of including a software application program field would allow the user to avoid erroneous image transfer due to incompatibility with the right software application program (see Roberts et al., Col. 12, Lines 37-42).

Allowable Subject Matter

In light of the remarks in the appeal brief for claims not argued in the pre-appeal brief, Claims 6,7,10 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As to claims **6**,**7** and **10**, the prior art does not teach or fairly suggest image utilization fields including an image format field indicating a format to be used for storage of the captured image in the storage device, an user preferred software application stored in the external device adapted for utilizing the captured image and an identification field which identifies the particular digital camera which captured the corresponding image in combination with the rest of each respective claim and claim 1. As to claim **26**, the prior art does not teach or fairly suggest a step of updating a camera database and an external device database before captured images are transferred from the digital camera to the external device so that both the camera database and the external device database include the same profiles in combination with the rest of the claim and claim 21.

(10) Response to Argument

1. § 102(e) Rejection of Claims 1-5,8,11 and 16-19

Claim 1

The Appellant argues on p. 9, paragraph 4, Lines 2-5 that the arrangement shown in FIG. 4F of Safai '469 is not a customized profile which has a corresponding profile index and is selectable from a plurality of customized profiles in the manner recited in the claim. The examiner respectfully disagrees with this statement. The examiner points to a specific teaching of Safai, Col. 12, Line 66 – Col. 13 Line 6, where Safai discloses that the user may review the contents of an OutBox, which contains a list of messages taking the customized form of Figure 4F, select a message from the list of messages and resume a transport process. The examiner in

the Office Action, addressing claim 1, said the "To:" field of Figure 4F can be thought of as profile index, because a user sees the person to whom they are sending the message and recognize that this is their message.

Appellant further argues on p. 9, last paragraph and p. 10, first paragraph that features 466,468,470 and 472 cannot be construed as image utilization fields identifying respective instructions for utilization of one or more images by an external device. More specifically, appellant states that these elements represent instructions for the digital camera, and not instructions for an external device. The examiner submits that features 466,468,470 and 472 are image utilizations fields as defined in the claim. Firstly, feature 466 provides an instruction to the external device as to what email account the images are to be stored. One cannot expect the external device to know exactly where to store the images without some sort of instruction (i.e. the email address) which is input in the customized profile. Secondly, features 468 and 470 are instructions to the external device to show these images and play a voice message with these images. If these were not instructions, how would the external device know what images to display or what voice message to play? These fields not only represent instructions for the digital camera but also represent instructions for the external device. Finally, appellant argues that feature 472 is not an image utilization field as defined in the claims. Examiner is reading the limitation exactly as it has been set forth in the present specification and claim 8. Figure 3A of the present application shows an ERASE AFTER TRANSFER image utilization field and claim 8 specifically states that the deletion field, one of the image utilization fields defined in claim 1, is an instruction utilized by digital camera. The examiner gave the limitation its exact meaning from the specification.

Appellant further argues on p. 10, paragraphs 2 and 3 and p. 11, first paragraph, that the list of messages in the OutBox cannot be construed as a plurality of customized profiles, because they are a list of messages configured for transmission out of the digital camera but have not been sent. The examiner submits that the claims do not require that images can be taken and associated with a profile after the profile has been created, nor do they require that user can continuously go back and edit the profiles. The fact that the list contains finalized messages does not preclude the messages from being customized profiles.

Claim 11

The appellant argues that the gwang@photoaccess.com cannot be construed as a destination directory indicating a storage location. The examiner sharply disagrees with the statement and submits that this instruction is one that stores the images under the aforementioned email address. Without the guidance of the email address, how is the external device to know where to store these images for eventual access.

Claim 16-19

The arguments set forth in regard to claims 16-19 are believed to have been answered.

2. § 103(a) Rejection of Claim 12

Claim 12

The examiner believes that the arguments regarding claim 12 have been addressed.

3. § 103(a) Rejection of Claims 13-15

Claim 13

The appellant argues that the selection of switch "17" in Figure 14A does not identify a particular one of a plurality of software application programs. More specifically, appellant states the selection of either an IBM format or an APPLE format identify particular computer architectures and not a plurality of software application programs. The examiner respectfully disagrees with this contention. The examiner submits, as stated in the office action, that each of the computer architectures contains a number of software application programs. This what makes them inherently different. Thus, each identifier identifies a plurality of these programs by selecting either the IBM or APPLE architectures, which meets the recited claim limitations. As for a motivation, the examiner believes the motivation is objective and exists in the Roberts reference (see Final Office Action, dated 12/28/2005, p. 13).

Claims 14 and 15

The examiner believes the arguments regarding these claims have been addressed.

4. § 103(a) Rejection of Claims 9 and 20

Claim 9

The examiner believes the arguments regarding claim 9 have been addressed.

Claim 20

The examiner believes that appellant is attacking the references individually and not as whole when addressing claim 20. Particularly, appellant states that there is no teaching or suggestion regarding selecting a user designated code corresponding to a selected customized

profile for permitting access to the selected customized profile, as recited. Appellant fails to realize that Safai has been relied upon to teach the user customized profile. Steinberg has been relied upon user password in a digital camera. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5. § 103(a) Rejection of Claims 21-24 and 26-32

Claim 21

As to the arguments regarding this claim, the arguments in the second paragraph are believed to have been addressed. In regard to the arguments in paragraph 3, appellant argues that the statement of motivation is conclusory and insufficient to establish a prima facie case of obviousness. The examiner respectfully disagrees with this statement and submits that the statement has been attacked for its substance. Specifically, the motivational statement is a definite feature of memory cards. Appellant fails to support why the motivational statement is conclusory and why it is insufficient to establish a prima facie case of obviousness.

Claim 22

The appellant argues that the words gwang@photoaccess.com are not stored on the external device. The examiner respectfully disagrees with this statement and submits that it is inherent that the email addresses are stored on the external device accessing the mail. This apparent for anyone who has accessed an email account service (i.e. yahoo or google).

Claim 23

The appellant argues that the Safai and Kuba do not teach the step of editing a customizable profile in the external device. The examiner submits that the claim language does not require that the external device, itself, edits the profile. While there is not disputing that the profile is stored on the device, there certainly cannot be dispute over whether the camera edits the profile as evidenced by the fact that a user selects boxes corresponding to preferences in Figure 4F.

Claims 24 and 27-32

The arguments regarding these claims are believed to have been addressed.

6. § 103(a) Rejection of Claim 25

Claim 25

The examiner initially would like to submit that the '003 Safai reference was accidentally submitted as the relied upon reference. The examiner pointed this out in the final office action and believes there should be no more ambiguity as to what reference was used in rejection. As for the other arguments regarding this claim, they are believed to have been answered.

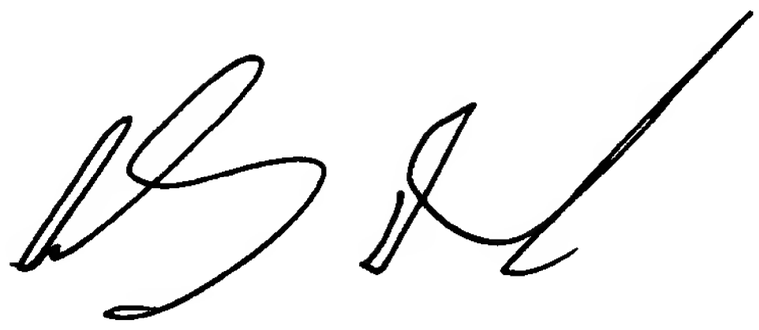
For the reasons set forth above, the examiner believes the rejections are appropriate and should be affirmed.

(11) Related Proceedings

None

Respectfully submitted,

Anthony Daniels

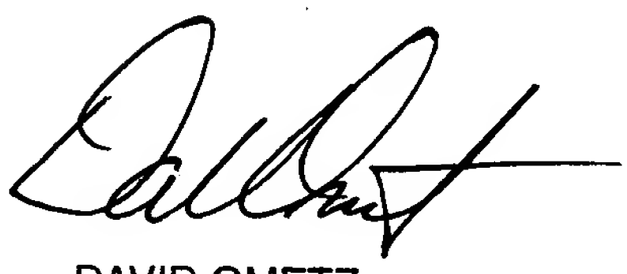


Appeals Conferees

Ngoc-Yen Vu

David Ometz

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER



DAVID OMETZ
SUPERVISORY PATENT EXAMINER

Day : Friday
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Application Number: 09990500 Date: 02-Feb-2007

Examiner: ANTHONY, DANIELS GAU: 2622

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The Related Proceedings Appendix is missing from the Examiner's Answer mailed 8/28/06.

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Corrected 6/27/07